

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species B (FIG. 7C) in the reply filed on August 13, 2008 is acknowledged.

The Applicant states at page 6 of the Response filed on August 13, 2008:

This paper is filed in response to the Office Action mailed July 14, 2008, requiring an election of the claimed invention between Species A (FIG 7B), Species B (FIG 7C), and Species C (FIG 7D). The Examiner did not recite which claims correspond with each species. Applicants hereby elect without traverse the species embodied within Species B including claims 1-7. Claim 8 is withdrawn.

Claim 8 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 13, 2008.

Drawings

The drawings are objected to because the shading in FIGS. 7A-7D makes it extremely difficult to see such designations as Hcoil, Hlens, Dcoil, etc.

Corrected drawing sheets of FIGS. 7A-7D in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the

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appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Assuming with regard to claim 2, the Applicant is of the opinion that claim 2 does in fact read on the elected embodiment of Species B (Figure 7C), then, with regard to claim 2, which the Applicant maintains reads on elected embodiment Species B (Figure 7C), the phrase "wherein the recess is restricted ***to an area within the aperture in the coil***" (emphasis added) renders the claim indefinite, since clearly the scope of the claim does not correspond to the elected

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embodiment. The claim language of claim 2 appears to correspond to the non-elected embodiment of Species A, corresponding to Figure 7B.

Thus, since claim 2 appears to be inconsistent with the elected embodiment, yet has not been withdrawn by the Applicant, the true meaning and scope of claim 2 cannot be readily ascertained. The Applicant is requested to withdraw the claim, amend the claim so that it is in fact consistent with the elected embodiment, or otherwise explain how the claim reads on the elected embodiment without introducing new matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawasaki et al. (JP 2002-083453 A).

As per claim 1, Kawasaki et al. (JP 2002-083453 A) discloses a magneto-optical device for accessing a disk, the magneto-optical device comprising: a magneto-optical read and/or a write head (e.g., see FIG. 22(b)) with a coil holder (including body (91)) comprising a coil (93), and a means for generating a laser beam (see converging laser line arrows in FIG. 22(b)), wherein the laser beam is passed through an aperture (at 91(a)) in the coil (93) during operation, the aperture being at or around a center of the coil (93), and wherein the coil holder (91) comprises a recess (at 91(a)) with a recess depth at or around a center of the coil (93) - see FIG.

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22(b)- and a lens (90) extends, viewed from the disk (D), behind the coil (93) so as to overlap the coil (93) at least partly, wherein the coil holder (including 91) has a first thickness away from the center of the coil (93) (e.g., on both sides of (91a) as seen in FIG. 22(b)) and a second thickness (at (91a)) at or around the center, the first thickness being larger than the second thickness - see FIG. 22(b).

Insofar as the elected embodiment (FIG. 7B) reads on claim 2, as per claim 2, wherein the recess (91a) is restricted to an area within the aperture in the coil.

As per claim 7, Kawasaki et al. (JP 2002-083453 A) discloses a read/write head (FIG. 22(b)) comprising: a coil (93) having an aperture at or around a center of the coil (93) for passage of a laser beam (see converging laser line arrows in FIG. 22(b)) during operation; and a coil holder (including (91)) configured to hold the coil (93); wherein the coil holder (including 91) has a first thickness away from the center of the coil (93) (e.g., on both sides of (91a) as seen in FIG. 22(b)) and a second thickness (at (91a)) at or around the center, the first thickness being larger than the second thickness - see FIG. 22(b).

Claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishii et al. (EP 1 109 155 A1).

As per claim 1, Ishii et al. (EP 1 109 155 A1) discloses a magneto-optical device comprising a magneto-optical for accessing a disk, the magneto-optical device comprising: a magneto-optical read and/or a write head (1) - e.g., see FIG. 4 - with a coil holder (22) comprising a coil (21), and a means for generating a laser beam, wherein the laser beam is

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passed through an aperture (h1) in the coil (21) during operation, the aperture being at or around a center of the coil, and wherein the coil holder (22) comprises a recess with a recess depth (d) at or around a center of the coil (21), and a lens (23) extends, viewed from the disk (11), behind the coil (21) so as to overlap the coil (21) at least partly, wherein the coil holder (22) has a first thickness (thickness at left or right-most ends of (22) as seen in FIG. 4) away from the center of the coil (21) and a second thickness (thinner portion of (22) which directly abuts and contacts lens (23)) at or *around* the center, the first thickness being larger than the second thickness as is evident in FIG. 4.

As per claim 3, characterized in that the coil (21) is positioned in the recess - see FIG. 4.

As per claim 4, characterized in that the depth of the recess (h) is less than twice the free working distance (FWD) (e.g., see COL. 21, lines 30-33, wherein $d \leq 200$ [um]).

As per claim 5, characterized in that the depth of the recess (d) is less than the free working distance (e.g., see COL. 21, lines 30-33, wherein $d \leq 200$ [um]).

As per claim 6, characterized in that the depth of the recess (h) is more than half the free working distance (e.g., see COL. 21, lines 30-33, wherein $d \leq 200$ [um]).

As per claim 7, Ishii et al. (EP 1 109 155 A1) discloses a read/write head (1) (e.g., see FIG. 4) comprising: a coil (21) having an aperture (at h1, and into which aperture is inserted P2)) at or around a center of the coil (21) for passage of a laser beam during operation; and a coil holder (22) configured to hold the coil (21); wherein the coil holder (22) has a first thickness (thickness at left or right-most ends of (22) as seen in FIG. 4) away from the center of the coil (21) and a second thickness (thinner portion of (22) which directly abuts and contacts

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lens (23)) at or *around* the center, the first thickness being larger than the second thickness - see FIG. 4.

Response to Arguments

The Applicant alleges at page 11 of the Response (filed on May 12, 2008) to the Non-Final Office action (mailed on February 13, 2008):

Ishii is directed to an optical device having a coil unit 46 located over a coil supporting substrate 44 shown in FIGs 8-9. The coil unit 46 includes a magnetic core 48 and a thin film coil 48 embedded in an insulating layer 49. Laser light travels through a light transmitting hole 47a of the magnetic core 48, as recited on column 17, lines 25-28. As clearly shown in FIGs 8-9, the *coil* unit 46 has uniform thickness and is around the hole 47 which exposes the coil supporting substrate 44.

The Examiner notes that Ishii et al. (EP 1 109 155 A1) does not appear to disclose the reference numbers (e.g., 44, 46, 47a, 48) as alleged by the Applicant.

Although Applicant alleges that there is a projecting magnetic pole p1 (p2 in FIG. 4) at the center of core (20) (of Ishii et al. (EP 1 109 155 A1)), this is not dispositive.

More concretely, however, the Examiner maintains that, as per amended claim 1, Ishii et al. (EP 1 109 155 A1) discloses coil holder (including 22) comprising a coil (21), and a means for generating a laser beam, wherein the laser beam is passed through an aperture (h1) in the coil (21) during operation (aperture into which core pole (p2) is inserted), the aperture being at or around a center of the coil, and wherein the coil holder (including 22) comprises a recess with a recess depth (d) at or *around* a center of the coil (21), and a lens (23) extends, viewed from the disk (11), behind the coil (21) so as to overlap the coil (21) at least partly, wherein the coil holder (including 22) has a first thickness (thickness at left or right-most ends of (22) as

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seen in FIG. 4) away from the center of the coil (21) and a second thickness (thinner portion of (22) which directly abuts and contacts lens (23)) at or *around* the center, the first thickness being larger than the second thickness as is evident in FIG. 4.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William J. Klimowicz/
Primary Examiner, Art Unit 2627